

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING)
PHARMACY, INC.)
PRODUCTS LIABILITY LITIGATION)
v.) MDL No: 1:13-md-2419-RWZ
This Document Refers to:)
)
Montee v. BKC Pain Specialists LLC, et al.,)
No: 1:13-cv-12657-FDS)
)
Cooper v. BKC Pain Specialists, LLC, et)
al.No: 1:13-cv-12658-FDS)
)
Cooper v. BKC Pain Specialists, LLC, et al.)
No: 1:13-cv-12659-FDS)

JOINT MOTION TO RESCHEDULE HEARING ON BKC MOTIONS TO DISMISS

The defendants, Nikesh Batra, M.D., Adil Katabay, M.D. and BKC Pain Specialists, LLC (hereinafter the “BKC Defendants”) and the Plaintiffs’ Steering Committee (“PSC”) have conferred and agreed, based on the unavailability of the member of the PSC tasked with arguing the PSC opposition, to reschedule argument on these fully briefed motions until the convening of the status conference scheduled for October 23, 2014.

The parties respectfully request that the Court allow the parties to proceed with argument on the BKC Defendants’ Motions to Dismiss on or about October 23, 2014.

Respectfully Submitted,

/s/ Kimberly A. Dougherty
Kimberly A. Dougherty
JANET, JENNER & SUGGS, LLC
31 St. James Avenue, Suite 365
Boston, MA 02116
Telephone: (617) 933-1265
kdougherty@myadvocates.com

Plaintiffs’ Steering Committee

Thomas M. Sobol
Kristen Johnson Parker
HAGENS BERMAN SOBOL SHAPIRO,
LLP
55 Cambridge Parkway, Suite 301
Cambridge, MA 02142
Telephone: (617) 482-3700
Facsimile: (617) 482-3003
tom@hbsslaw.com
kristenjp@hbsslaw.com

Plaintiffs' Lead Counsel

Elizabeth J. Cabraser
Mark P. Chalos
Annika K. Martin
LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
150 Fourth Avenue North, Suite 1650
Nashville, TN 37219
Telephone: (615) 313-9000
Facsimile: (615) 313-9965
ecabraser@lchb.com
mchalos@lchb.com
akmartin@lchb.com

Federal/State Liaison

Marc E. Lipton
LIPTON LAW
18930 W. 10 Mile Road
Southfield, MI 48075
Telephone: (248) 557-1688
Facsimile: (248) 557-6344
marc@liptonlawcenter.com

Mark Zamora
ZAMORA FIRM
6 Concourse Way, 22nd Floor
Atlanta, GA 30328
Telephone: (404) 451-7781
Facsimile: (404) 506-9223
marc@markzamora.com

Patrick T. Fennell
CRANDALL & KATT
366 Elm Avenue, S.W.
Roanoke, VA 24016
Telephone: (540) 342-2000
pfennel@crandalllaw.com

J. Gerard Stranch, IV
Benjamin A. Gastel
BRANSETTER, STRANCH &
JENNINGS PLLC
227 Second Avenue North
Nashville, TN 37201
Telephone: (615) 254-8801
Facsimile: (615) 255-5419
gerards@branstetterlaw.com

Plaintiffs' Steering Committee

/s/ Anthony E. Abeln

Tory A. Weigand, BBO #548553

Anthony E. Abeln, BBO #669207

Morrison Mahoney LLP

250 Summer Street

Boston, MA 02210-1181

(617) 439-7500

tweigand@morrisonmahoney.com

aabeln@morrisonmahoney.com

Defendants Nikesh Batra, M.D., Adil
Katabay, M.D. and BKC Pain Specialists,
LLC

CERTIFICATE OF SERVICE

I, Anthony Abeln certify that a copy of this document, filed through the CM/ECF system will be accessible to those attorneys who are registered with the Court's electronic filing system and Notice of Electronic filing (NEF) will be sent to these parties by operation of the CM/ECF system on September 16, 2014.

/s/ Anthony Abeln